

REMARKS

Claims 1-5, 7-9, 11-19, and 21-23 are currently pending in the application. No claims have been amended. Claims 20 and 24 have been canceled. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

Claims 20 and 24 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In response, Applicant has canceled claims 20 and 24, thus rendering the rejection thereof moot.

Claims 1-4, 8, 11, 13-14, 19, and 21-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,866,657 to Shchervinsky ("Shchervinsky"). Independent claim 1 relates to an anti-buckling device for insertion into a thin-walled bendable fluid duct. Applicant respectfully submits that Shchervinsky fails to disclose at least one of the distinguishing features of independent claim 1, namely, that a cross-section of the anti-buckling device fills a cross-section of the duct in such a way that duct walls lie on a plurality of ribs at a buckling point but cannot penetrate into grooves causing the grooves to remain open and permeable for fluids when the anti-buckling device is bent.

Shchervinsky discloses a wound drain catheter for draining fluid from, or supplying medication to, a wound in a patient. The catheter comprises a drain, a flexible outflow tube, and means for connecting the drain to the flexible outflow tube. The drain comprises a hollow core having a longitudinal axis, plural struts extending outwardly from the hollow core and plural overhangs connected to outward ends of the struts. The overhangs cooperate with the struts to form plural longitudinal lumens. In contrast to claim 1, in Shchervinsky, there is no indication of a *buckling point* of the wound drain catheter when bent. According to Shchervinsky, the wound drain catheter is inserted in the wound to prevent the wound from *closing due to tissue growth* and not for the purpose of causing the grooves to remain open and permeable for fluids when the anti-buckling device is bent at the *buckling point* as claimed. According to the subject application, such an invention is intended to prevent thin-walled fluid ducts from becoming buckled or constricted in tight radii and guarantee a minimum throughflow if pipes or hoses are bent and *buckling occurs*. See, e.g., Published Application 2006/0151039, page 1, para 0003-0004. Since Shchervinsky fails to disclose the *buckling point*, Shchervinsky is silent with

respect to the prevention of the same. Withdrawal of the rejection of independent claim 1 is respectfully requested.

Dependent claims 2-4, 8, 11, 13-14, and 19 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 2-4, 8, 11, 13-14, and 19 distinguish over Shchervinsky and are in condition for allowance. Withdrawal of the rejection of dependent claims 2-4, 8, 11, 13-14, and 19 is respectfully requested.

Independent claim 21 relates to an anti-buckling device for insertion into a thin-walled bendable fluid duct. Applicant respectfully submits that Shchervinsky fails to disclose at least one of the distinguishing features of independent claim 21, namely, a plurality of ribs extending in a longitudinal direction of the anti-buckling device, wherein spaces between two adjacent ribs form grooves for positioning within the duct and a cross-section of the anti-buckling device being adapted to fill a cross-section of the duct in such a way that duct walls lie on the plurality of ribs at a buckling point but cannot penetrate into the grooves causing the grooves to remain open for fluid flow when the anti-buckling device is bent. In addition, Applicant submits that claim 21 patentably distinguishes over Shchervinsky for similar reasons to those discussed above with respect to independent claim 1. Applicant respectfully requests that the rejection of independent claim 21 as unpatentable over Shchervinsky be withdrawn.

Independent claim 22 relates to an anti-buckling device for insertion into a thin-walled bendable fluid duct having an interior, longitudinally extending fluid flow region, the duct having a top inner surface wall area and a bottom inner surface wall area defining a first maximum, internal dimension of the interior fluid flow region when the duct is not bent and a second maximum, internal dimension when the duct is bent. Applicant respectfully submits that Shchervinsky fails to disclose at least one of the distinguishing features of independent claim 22, namely, a plurality of ribs oriented with and extending longitudinally along the interior fluid flow region of the anti-buckling device, the maximum height of the device being less than the first maximum internal dimension of the duct and the maximum height of the device being less than or equal to the second maximum internal dimension of the duct. Furthermore, Shchervinsky fails to disclose that at the second maximum internal dimension, a cross-section of

the anti-buckling device is adapted to fill a cross-section of the duct in such a way that at least one of the top inner surface wall area and the bottom inner surface wall area of the duct engages the plurality of ribs but cannot penetrate into the grooves causing the grooves to remain open and permeable for fluid flow. In addition, Applicant submits that claim 22 patentably distinguishes over Shchervinsky for similar reasons to those discussed above with respect to independent claims 1 and 21. Applicant respectfully requests that the rejection of independent claim 22 as unpatentable over Shchervinsky be withdrawn.

Dependent claim 23 depends from and further restricts independent claim 22 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 22, dependent claim 23 distinguishes over Shchervinsky and is in condition for allowance.

Claims 4-5 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shchervinsky in view of U.S. Patent No. 6,239,363 to Wooters ("Wooters"). Dependent claims 4-5 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 4-5 distinguish over Shchervinsky. Wooters fails to cure the deficiencies of Shchervinsky noted above. Withdrawal of the rejection of dependent claims 4-5 is respectfully requested.

Independent claim 21 relates to an anti-buckling device for insertion into a thin-walled bendable fluid duct. Applicant respectfully submits that the cited combination of Shchervinsky and Wooters fails to disclose at least one of the distinguishing features of independent claim 21, namely, a plurality of ribs extending in a longitudinal direction of the anti-buckling device, wherein spaces between two adjacent ribs form grooves for positioning within the duct and a cross-section of the anti-buckling device being adapted to fill a cross-section of the duct in such a way that duct walls lie on the plurality of ribs at a buckling point but cannot penetrate into the grooves causing the grooves to remain open for fluid flow when the anti-buckling device is bent. In addition, Applicant submits that claim 21 patentably distinguishes over Shchervinsky for similar reasons to those discussed above with respect to independent claim 1. The mere addition of Wooters does not cure the deficiencies of

Shchervinsky as a reference. Applicant respectfully requests that the rejection of independent claim 21 as unpatentable over Shchervinsky and Wooters be withdrawn.

Claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shchervinsky. Dependent claims 15 and 16 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 15 and 16 distinguish over Shchervinsky. Withdrawal of the rejection of dependent claims 15 and 16 is respectfully requested.

Claims 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shchervinsky in view of U.S. Patent No. 5,803,127 to Rains ("Rains"). Dependent claims 17 and 18 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 17 and 18 distinguish over Shchervinsky. Rains fails to cure the deficiencies of Shchervinsky noted above. Withdrawal of the rejection of dependent claims 17 and 18 is respectfully requested.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shchervinsky in view of U.S. Patent No. 4,452,279 to Atwell ("Atwell"). Dependent claim 12 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 12 distinguishes over Shchervinsky. Atwell fails to cure the deficiencies of Shchervinsky noted above. Withdrawal of the rejection of dependent claim 12 is respectfully requested.

Claims 1, 7-9, 11, 13-17, 19-20, and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,579,555 to Russo ("Russo") in view of Shchervinsky. Dependent claims 20 and 24 have been cancelled, thus rendering the rejection thereof moot.

Independent claim 1 relates to an anti-buckling device for insertion into a thin-walled bendable fluid duct. Applicant respectfully submits that the cited combination of Russo and Shchervinsky fails to disclose at least one of the distinguishing features of independent claim 1, namely, that a cross-section of the anti-buckling device fills a cross-section of the duct in such a

way that duct walls lie on a plurality of ribs at a buckling point but cannot penetrate into the grooves causing grooves to remain open and permeable for fluids when the anti-buckling device is bent.

Russo discloses a surgical drain comprising an elongated member having longitudinally extending and spaced apart surfaces and a plurality of longitudinally extending and laterally spaced ribs integrally formed on a surface defining a plurality of longitudinally extending capillary drainage channels. Applicant respectfully submits that, in Russo, there is no indication of a *buckling point* when bent. Since Russo fails to disclose a *buckling point*, Russo is silent with respect to the prevention of the same. Shchervinsky fails to cure the deficiencies of Russo noted above. Applicant respectfully submits that independent claim 1 distinguishes over Russo and Shchervinsky. Withdrawal of the rejection of independent claim 1 is respectfully requested.

Dependent claims 7-9, 11, 13-17, and 19 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 7-9, 11, 13-17, and 19 distinguish over Russo and Shchervinsky and are in condition for allowance. Withdrawal of the rejection of dependent claims 7-9, 11, 13-17, and 19 is respectfully requested.

Independent claim 22 relates to an anti-buckling device for insertion into a thin-walled bendable fluid duct having an interior, longitudinally extending fluid flow region, the duct having a top inner surface wall area and a bottom inner surface wall area defining a first maximum, internal dimension of the interior fluid flow region when the duct is not bent and a second maximum, internal dimension when the duct is bent. Applicant respectfully submits that the cited combination of Russo and Shchervinsky fails to disclose at least one of the distinguishing features of independent claim 22, namely, a plurality of ribs oriented with and extending longitudinally along the interior fluid flow region of the anti-buckling device, the maximum height of the device being less than the first maximum internal dimension of the duct and the maximum height of the device being less than or equal to the second maximum internal dimension of the duct. Furthermore, the cited combination of Russo and Shchervinsky fails to disclose that at the second maximum internal dimension, a cross-section of the anti-buckling

device is adapted to fill a cross-section of the duct in such a way that at least one of the top inner surface wall area and the bottom inner surface wall area of the duct engages the plurality of ribs but cannot penetrate into the grooves causing the grooves to remain open and permeable for fluid flow. In addition, Applicant submits that claim 22 patentably distinguishes over Russo for similar reasons to those discussed above with respect to independent claim 1. The mere addition of Shchervinsky does not cure the deficiencies of Russo as a reference. Applicant respectfully requests that the rejection of independent claim 22 as unpatentable over Russo and Shchervinsky be withdrawn.

Dependent claim 23 depends from and further restricts independent claim 22 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 22, dependent claim 23 distinguishes over Russo and Shchervinsky and is in condition for allowance. Withdrawal of the rejection of dependent claim 23 is respectfully requested.

Claims 2-3 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo in view of Shchervinsky and further in view of U.S. Patent No. 4,420,016 to Nicholas ("Nicholas"). Dependent claims 2-3 and 18 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 2-3 and 18 distinguish over the combination of Russo and Shchervinsky. Nicholas fails to cure the deficiencies of Russo and Shchervinsky noted above. Withdrawal of the rejection of dependent claims 2-3 and 18 is respectfully requested.

Claims 4-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo in view of Shchervinsky and further in view of Wooters. Dependent claims 4-5 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 4-5 distinguish over the combination of Russo and Shchervinsky. Wooters fails to cure the deficiencies of Russo and Shchervinsky noted above. Withdrawal of the rejection of dependent claims 4-5 is respectfully requested.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo in view of Shchervinsky and further in view of Atwell. Dependent claim 12 depends from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 12 distinguishes over the combination of Russo and Shchervinsky. Atwell fails to cure the deficiencies of Russo and Shchervinsky noted above. Withdrawal of the rejection of dependent claim 12 is respectfully requested.

In view of the above amendment, Applicant respectfully submits that the present application is in condition for allowance. A Notice to that effect is respectfully requested.

Dated: September 3, 2008

Respectfully submitted,

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